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Atty. Docket No. SMI33 P-305

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Art Unit : 3661
Examiner : Richard Camby
Applicant : Randy L. Walter
Appln. No. : 10/079,230
Filing Date : February 20, 2002
Confirmation No. : 7211
For : AIRPORT MAP DISPLAY SYSTEM AND DATA
INTERCHANGE METHOD

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10/22

Mail Stop Non-Fee Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

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OCT 22 2003

GROUP 3600

Dear Sir:

RESPONSE TO RESTRICTION/ELECTION REQUIREMENT

This is a response to the Restriction Requirement mailed September 18, 2003. In the Office Action, the Examiner required restriction to one of two identified inventions, identified as inventions I and II, under 35 U.S.C. §121. Applicant hereby elects invention I, which contains claims 17-21, with traverse.

The Examiner stated that the inventions are distinct, each from the other because inventions I and II are related as process and apparatus for its practice. In particular, the Examiner stated that in this case, the process can be calculated by hand putting the coordinates of the referenced location into the display device.

Section 803 of the latest edition of the *Manual of Patent Examining Procedure* (MPEP) sets forth two criteria for a proper requirement for restriction between patentably distinct inventions, requiring: (A) the inventions must be independent or distinct as claimed; and (B) there must be a serious burden on the Examiner if restriction is required. Section 806.05(e) of

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the MPEP further states that a process and apparatus for its practice can be shown to be distinct inventions, if either or both of the following can be shown: (A) that the process as claimed can be practiced by another materially different apparatus or by hand; or (B) that the apparatus as claimed can be used to practice another and materially different process.

Invention I containing claims 17-21 is drawn to a method of airport map data interchange in an aircraft, whereas invention II, containing claims 1-16, is drawn to an airport map display system for an aircraft comprising a user interface comprising a display screen and a map selection input, a data storage device, and a processor for generating airport map data comprising location points computer relative to a reference point and provides the airport map data to the display screen. The Examiner stated that in this case the process can be calculated by hand putting the coordinates of the reference location into the display device. The Examiner has failed to show that the process as claimed in invention I can be practiced by another materially different apparatus or by hand. Additionally, there is no serious burden on the Examiner such as to require restriction of the present application. All of claims 1-21 can and should be searched and examined together by the Examiner without requiring any serious burden.

Accordingly, Applicant submits that the restriction to one of inventions I and II is improper and that the restriction requirement should be withdrawn. Applicant requests that inventions I and II be rejoined and that all of claims 1-21 be prosecuted together in the present application. Accordingly, it is respectfully submitted that the rejoinder of inventions I and II is clearly in order.

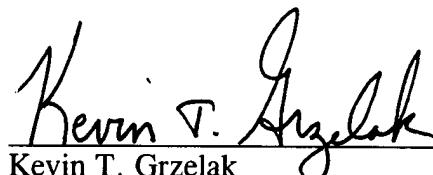
Applicant : Randy L. Walter
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In view of the above election, with traverse, Applicant requests that all of claims 1-21 be considered and examined in this application. If the Examiner has any questions regarding this response or if the application can be readily placed in condition for allowance, Applicant respectfully requests that the Examiner call the undersigned attorney at the telephone number listed below.

Respectfully submitted,

RANDY L. WALTER

By: Price, Heneveld, Cooper,
DeWitt & Litton



Kevin T. Grzelak
Kevin T. Grzelak
Registration No. 35 169
695 Kenmoor, S.E.
Post Office Box 2567
Grand Rapids, Michigan 49501
(616) 949-9610

October 16, 2003
Date

KTG/jrb



3661

Atty. Docket No. SMI33 P-305

CERTIFICATE OF MAILING

I hereby certify that this paper, together with all enclosures identified herein, are being deposited with the United States Postal Service as first class mail, addressed to the Commissioner for Patents, P. O. Box 1450, Alexandria, Virginia 22313-1450, on the date indicated below.

October 16, 2003

Date

Jacki R. Buckley

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P.O. Box 1450
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Dear Sir:

Transmitted herewith is a response to election/restriction requirement in the above-identified application.

Any fee for additional claims has been calculated as shown below:

CLAIMS AS AMENDED

	Col. 1		Col. 2	Col. 3	Small Entity		Other Than A Small Entity	
	Claims Remaining After Amendment		Highest No. Previously Paid For	Present Extra	Rate	Add'l Fee	Rate	Add'l Fee
Total Claims	* 21	Minus	** 21	= 0	x \$9	\$	x \$ 18	\$ 0
Independent Claims	* 2	Minus	*** 3	= 0	x \$43	\$	x \$ 86	\$ 0
First Presentation of Multiple Dependent Claims \$145					\$	x \$290		\$ 0
TOTAL ADDITIONAL FEE FOR THIS AMENDMENT					\$			\$ 0

Applicant : Randy L. Walter
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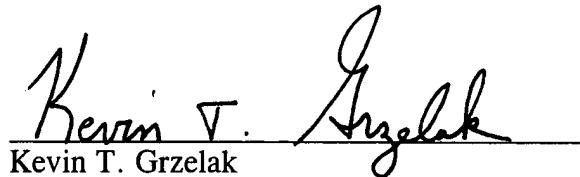
- * If the entry in Col. 1 is less than the entry in Col. 2, write "0" in Col. 3
- ** If the "Highest No. Previously Paid For" IN THIS SPACE is less than 20, write "20" in this space.
- *** If the "Highest No. Previously Paid For" IN THIS SPACE is less than 3, write "3" in this space.

The "Highest No. Previously Paid For" (Total or Independent) is the highest number found from the equivalent box in Col. 1 of a prior amendment or the number of claims originally filed.

1. Small entity status of this application 37 CFR §§1.9 and 1.27 has been established by a verified statement previously submitted or is enclosed.
2. No additional fee is required.
3. A check in the amount of \$ is attached.
4. Please charge any additional fees or credit overpayment to Deposit Account No. 16 2463. A duplicate copy of this sheet is attached.

PRICE, HENEVELD, COOPER,
DEWITT & LITTON

October 16, 2003.
Date



Kevin T. Grzelak
Registration No. 35 169
695 Kenmoor, S.E.
Post Office Box 2567
Grand Rapids, Michigan 49501
(616) 949-9610

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